

# **Tiverton Town Council Landfill Subcommittee**

## **Regular Meeting Minutes: 12 October 2005**

### **I: Call to Order**

Chairman Fernandes called the meeting to order at 1:05 PM at the Tiverton Town Hall.

Members present: J. Fernandes (Chairman), A. Wyman, T. Ramotowski, D. Wilbur, and D. Webster (Director of Public Works).

### **II: Approval of Minutes**

MOTION 1: Mr. Webster moved to approve the minutes of the meeting of 21 September 2005 as submitted. Seconded by Chairman Fernandes.

VOTE: Motion passed 2-0-2 (Mr. Wyman and Mr. Ramotowski abstained).

### **III: Additions/Changes/Acceptance of Agenda**

The agenda for the meeting was accepted without any changes.

### **IV: Public Input**

There was no public input.

### **V: Discuss Ordinance Disposition**

Mr. Webster reminded the Subcommittee that the public hearing before the Town Council on the revised solid waste management ordinance will be held on October 24, 2005 during the regular Council meeting that night. Mr. Wyman noted that the public hearing on the ordinance had been advertised properly in accordance with the Open Meeting Laws.

Mr. Ramotowski noted that the proposed changes would eliminate commercial waste from the landfill, and asked if the Town collected fees on any other kind of waste that would still be accepted at the landfill. Mr. Webster stated that the Town would still accept brush/leaves from commercial sources, and would charge individuals depositing such materials at the landfill. Mr. Wyman stated that the changes would eliminate commercial construction waste. He also stated

that he believed the changes would prevent any commercial material from being accepted, including brush/leaves from commercial sources.

Mr. Ramotowski asked how the ban on the acceptance of construction debris would be enforced. Mr. Webster stated that a homeowner could dispose of one bag a week with his/her normal trash. Any vehicle bringing construction debris to the landfill will be refused entry. Mr. Ramotowski asked if the designation on vehicle license plates (personal, commercial, or combination) would be used as the basis for deciding materials contained within said vehicle consisted of commercial waste. Mr. Webster stated that any truck over 5,500 lbs gross weight was required to carry a "commercial" license plate, even if it purchased by a private individual strictly for personal use. Thus, license plates would not be used to determine the status of incoming trash.

Mr. Wyman stated that the most controversial changes are those that would ban landfill disposal of trash from densely populated residential developments like the Village at Mount Hope Bay and Country View Estates. It is not clear if a majority of the Town Council will support such a ban. Mr. Webster pointed out that if the proposed language were not adopted, other "residential developments" not presently utilizing the landfill to dispose of their trash might then start utilizing it. One such example is Sakonnet Bay Manor; there are probably a number of others. Allowing such entities to use the landfill for trash disposal would accelerate the rate at which it fills up.

Mr. Ramotowski asked what the latest revised estimate was for the useable life of the landfill. Mr. Webster replied that Pare Engineering was discussing several proposals with RI-DEM that could considerably extend the usable life of the landfill. These proposals include granting the town permission to fill the existing "hole/depression" north of the access road with trash prior to landfill closure, and also filling in with trash north of the access road to even out the topography prior to capping and closure. In addition, the present access road is located within the boundary of the area where the Town is allowed to dispose of trash. If the road were to be closed off and trash filling were to proceed to the boundary of the permitted area, a considerable amount of extra space would be available. Access to the landfill proper would have to shift to the existing "shell road" that leads to the bulldozer garage along the north side of the property. All told, Pare Engineering estimates that these proposals, if granted in their entirety, would result in a useful life of 11 to 15 years from the present (2005).

Mr. Webster stated that Pare Engineering is also exploring some options that might save the Town some money when the landfill is completely full and needs to be capped and closed. For example, it might be possible to cap the landfill as two distinct hills/mounds (with a saddle in between), instead of bringing in a considerable amount of fill to construct one large mound.

Mr. Wyman noted that the Subcommittee had also endorsed a reduction in the hours the landfill is open to the public for rubbish disposal. The proposal was to open the landfill for only two days a week (Tuesday and Saturday) vice the five days it is presently open (Tuesday through Saturday). This proposal should make the policing of what is dumped in the landfill easier, and also free up one DPW worker for other duties on the day the landfill is not open to the public.

Mr. Ramotowski asked why the revised ordinance retained the language concerning the position of a “recycling coordinator” now that the Town has a recycling committee. Mr. Webster asked if Mr. Roger Bennis had been appointed to the recycling coordinator’s job sometime in the past. Mr. Wyman stated that he thought the position was meant to be a Town position (i.e., paid employee), but it was never filled or funded. Some Town Councilors have suggested that the position be abolished, and the duties added to those of the Director of Public Works.

Mr. Webster stated that he would make color copies of the revised ordinance for all Town Council members so that they could clearly see what changes were being proposed. Mr. Wyman stated that he would not be able to attend the public hearing on the solid waste management ordinance due to personal business. He would, however, write a brief memo/letter to his colleagues on the Council highlighting the proposed changes, and explaining the reasoning behind the more controversial ones. Mr. Wyman stated that he would also request that the public hearing be continued so that he could make comments in person at some later date.

Mr. Wilbur asked what was the most controversial proposed change. Mr. Webster replied that the classification of trash from “multi-family” housing (4 or more units) as commercial trash – hence banning it from being disposed of in the landfill. If the Town decides to allow multifamily housing to use the landfill for trash disposal, all residential buildings of that type would probably want to use it, including some not currently doing so (e.g., Sakonnet Manor). Since commercial trash will probably be banned from disposal in the landfill, these groups will have to get their own truck to haul waste to the landfill. If they hired someone to do it, that would make the waste commercial once it was collected.

Mr. Ramotowski asked if BFI could service those areas if the Town Council decided to allow their trash to go to the landfill. Mr. Webster stated that those were two separate issues that were not directly related. If the proposed language were to be passed by the Council, trash from four or more residences would be banned regardless of how it was brought to the landfill – even if it came in a truck owned by the development. Any resident, however, could obtain a Town sticker for his/her vehicle and bring trash to the landfill for disposal by himself/herself. Mr. Wyman asked if a person could bring six household’s worth of trash to the landfill in his own private vehicle. Mr. Webster stated that it is hard to determine how many homes a given amount of trash came from once it is all collected

together, so yes, that probably would be allowed. Mr. Wilbur pointed out that the present policy also allows Town residents to collect trash from out of Town and bring it to Tiverton's landfill for disposal. In general, there is no way to tell where a given load of trash was generated without giving it a thorough examination. Mr. Webster stated that most residential developments with more than four units involved rentals to third parties and were, therefore, commercial in nature. Thus, the trash they generate should be considered commercial trash.

Mr. Ramotowski asked if Country View Estates was now participating fully in a recycling program. Mr. Webster stated that he had provided Country View with 62 green and blue recycling bins, per their request. This is a "one-shot" deal, similar to what was done with the Village at Mount Hope Bay. It is not clear at the moment if Country View Estates has started to collect recyclables. Like Starwood, they would be responsible for collecting the recyclables themselves and also for transporting what they have collected to the RIRRC facility in Johnston. Mr. Ramotowski stated that Country View was trying to renew its operating permit with the Town Council, and that he had spoken out against granting the renewal until Country View initiates a recycling program (which is mandatory under the Town Code). Mr. Wyman stated that the Town Council gave Country View a provisional 60 day extension to its existing operating permit, and asked them to work with the Planning Board to resolve some outstanding issues not related to recycling.

Mr. Ramotowski noted that the proposed ordinance revisions do not establish a separate collection for brush and leaves, so those wastes, which are potentially recyclable, will still be intermixed with trash at the landfill. Mr. Webster stated that a separate collection for such materials would entail additional costs above what the Town is presently paying BFI. The new request for proposals for trash collection, which needs to be worked up in the near future, will ask all potential bidders to provide a cost estimate to collect brush/leaves separately from regular trash. Mr. Wyman noted that it would be less expensive to collect such materials a couple of weeks in the fall and spring. Mr. Ramotowski stated that he didn't think that would work, because such materials are generated throughout the spring, summer and fall. For example, grass clippings are generated essentially every week during the summer, and if they are not picked up quickly, most people would put them out with their regular trash just to get rid of them. Mr. Wyman asked how other towns and cities handle this problem. Mr. Webster noted that Massachusetts has a State law that requires separate collection of brush/leaves and regular trash on a weekly basis.

Mr. Webster noted that the landfill is not authorized to compost the leaves/brush people bring in for disposal. Instead, the material is ground up and mixed in with the fill used for cover. It has been used to cover the sides of the trash pile where the final slope has more or less been achieved. Some grass was planted recently on the slope in that area, and grass is growing nicely there now. Mr. Ramotowski asked if the recent heavy rains had caused more water breakouts than normal at

the landfill. Mr. Webster replied that so far, there had only been one minor breakout of water that was quickly repaired. The landfill is holding up well.

Mr. Webster stated that he would include an estimate for the cost of a weekly (separate) pick up of brush/yard wastes in the landfill/trash removal budget he is presently preparing for the next fiscal year. It will include such collections for 39 weeks (essentially spring-summer-fall) with a separate Christmas tree collection during the winter. The program will be budgeted to operate weekly from 01 April to 01 December. If the Town Council really wants to initiate such a program, at least they will be able to see a “best guess” as to what the additional cost will be.

Mr. Wyman noted that if the Town Council and the Budget Committee approve and agree to fund the separate collection of brush and yard waste, the solid waste management ordinance would have to be amended to reflect the fact that such materials now must be separated from regular trash. Perhaps the Town Council could simply pass a resolution that directs people to do that, rather than going through the time and expense of another ordinance revision. Mr. Ramotowski stated that he was very much against using Town Council resolutions in place of actual amendments to the Town Code. After a while, people forget about such resolutions (because they are not part of the Town Code) and confusion reigns as to where the authorization for a given policy or change is located in the town records. If a change in ordinance is required, then the change should be made –period.

## **VI: Re-Licensing the Landfill**

Mr. Webster reported that the new license application package was submitted to RI-DEM by Pare Engineering last Friday. D. Russell, the individual who heads the landfill regulatory section at RI-DEM, will be on vacation until early November, so the Town will probably not receive any feedback on its license renewal application until mid-November.

Chairman Fernandes asked how the landfill engineering/consulting account looked after the large amount of work performed by Pare Engineering to prepare the new license application. Mr. Webster replied that Pare did not work on a draft policy for the acceptance of fill/cover material at the landfill. The funds that would have been spent on that project were diverted to license application preparation activities. Mr. Webster noted that the application fee itself for the new license was \$3,000.00.

Mr. Ramotowski asked whether or not Pare Engineering had determined if the landfill required a RIPDES permit from RI-DEM. After all, run-off/storm water from the landfill is being directed into the wetlands complex bisected by the paved access road. Mr. Webster stated that he had been told by S. Simpson of Pare Engineering that a RIPDES permit is not required for the landfill. The last time the

license was renewed three years ago, Pare was told the landfill did not need a storm water discharge permit.

Mr. Webster stated that the DPW had performed a considerable amount of maintenance work on the drainage swale on the south side of the paved access road. The rip-rap and rock in the check-dams in the swale were cleaned out and replaced with fresh materials. Mr. Ramotowski asked if any of the past testing at the landfill had determined what was responsible for the orange color in the water that flows through that drainage swale and into the wetlands complex to the west where the water in the swale is ultimately discharged. Mr. Webster stated that past testing had established that the color is caused by iron oxide in the water. Mr. Wyman stated that he has seen similar color in the water flowing through brooks and streams in Town. The rock and soils in Tiverton seem to have a higher than normal iron content. Mr. Ramotowski asked if the discolored water was a source of concern to RI-DEM. Mr. Webster stated that removing the iron oxide from the water would require the installation of an expensive filtration system that would have to be designed to handle peak flows from a large rainstorm. Mr. Webster pointed out that the series of check-dams within the swale filter out some of the iron oxide. He also noted that Pare Engineering samples surface water around the landfill twice each year.

## **VII: Alternate Landfill Monitoring Plan**

Mr. Webster noted that the last time this subject was discussed, the Subcommittee had expressed an interest in possibly including some private wells in the groundwater monitoring plan. Mr. Webster stated that he had asked Pare Engineering to provide a cost estimate for collecting/testing the water from several private wells each time samples were taken from the groundwater monitoring wells on the landfill property. The estimate should be ready in time for the Subcommittee's November meeting. Mr. Wyman asked how many private wells Pare was recommending that the Town test. Mr. Webster stated that he did not know; Pare's cost estimate would include that information, based upon an analysis of the site and the direction in which the groundwater flows in the vicinity of the landfill.

Mr. Ramotowski asked if Pare had any comments about his suggestions that test samples of known concentration be included periodically with the samples from the landfill monitoring wells so that the Town could be reasonably sure the testing labs performing the analyses were giving the Town accurate data. Mr. Webster replied that such testing had not been included in the plan submitted with the license renewal package, but it could be included in the alternate plan if required/recommended by RI-DEM.

## **VIII: Recycling Committee Report**

There was no report.

**IX: Discuss Time and Date for the Next Meeting**

Chairman Fernandes noted that the next meeting for the Landfill Subcommittee was scheduled for 1:00 PM on Wednesday, 16 November 2005 at the Town Hall.

**X: Adjournment**

There being no further business to discuss, the Landfill Subcommittee's 12 October 2005 regular meeting adjourned at 4:45 PM.

These minutes were recorded and compiled by T. Ramotowski